

U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE

Dear Prospective Offeror/Quoter:

The American Embassy Freetown has a requirement for installation of generators and electrical installation work at monopoly residence you are invited to submit a technical proposal. The Request for Quotation (RFQ) consists of the following sections:

1. Sf 18
2. Basic information, statement of work or specifications and technical qualifications.
3. NDAA compliance form

The Embassy plans to award a purchase order. You are encouraged to make your quotation competitive. You are also cautioned against any collusion with other potential offerors with regard to price quotations to be submitted. The RFQ does not commit the American Embassy to make any award. The Embassy may cancel this RFQ or any part of it.

Your offer must include the following terms and conditions (**active SAM.gov registration, or proof of registration process, technical proposal, financial proposal, terms of payment, delivery time frame of service from receipt of purchase order, business registration documents, insurance, signed copy of the NDAA form, validity of offer**) **All prices quoted shall be in local currency – (Sierra Leone Leones)**, quotations offered in foreign currency will not be accepted.

Please read the SOW carefully, and if you are interested, submit your quotation. Return the completed SF-18 and offer to the address shown in Block 5a of the SF-18 on or before 4:00pm Monday April 15, 2021. Oral quotations will not be accepted. Questions related to this request shall be forwarded to FreetownGSOProcurement@state.gov on or before April 9, 2021.

PLACE OF PERFORMANCE:

The Contractor shall install generators and perform electrical installation work at monopoly residence to the United States Embassy Freetown, Sierra Leone.

Responsible Offerors must be registered in SAM (<http://www.sams.gov>). SAM registration must be completed to receive a contract award. Offerors must respond to all criteria requested. This request is only available in English language.

Primary Point of Contact

Martha J. Berry

Contracting Officer

Phone: Phone: +232 99 105 500

Email: FreetownGSOProcurement@state.gov

Sincerely,

Martha J. Berry

U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE

REQUEST FOR QUOTATIONS <i>(THIS IS NOT AN ORDER)</i>		THIS RFQ <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT A SMALL BUSINESS- SMALL PURCHASE SET-ASIDE (52.219-4)			PAGE 1	OF 1	PAGES 18
1. REQUEST NO. PR9813342	2. DATE ISSUED 3/31/2021	3. REQUISITION/PURCHASE REQUEST NO. PR9813342	4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1	RATING			
5A. ISSUED BY General Services Office, U.S Embassy Freetown, Southridge Hill Station			6. DELIVER BY (Date) April 15, 2021				
5B. FOR INFORMATION CALL: (Name and telephone no.) (No collect calls)			7. DELIVERY <input checked="" type="checkbox"/> FOB DESTINATION OTHER (See Schedule)				
NAME Martha J. Berry. Contracting Officer		TELEPHONE NUMBER AREA CODE NUMBER +23299105500					
8. TO:			9. DESTINATION				
a. NAME		b. COMPANY		a. NAME OF CONSIGNEE U.S Embassy Freetown			
c. STREET ADDRESS			b. STREET ADDRESS Southridge Hill Station				
d. CITY		e. STATE		f. ZIP CODE		c. CITY Freetown	
				d. STATE		e. ZIP CODE	
10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE IN BLOCK 5A ON OR BEFORE CLOSE OF BUSINESS (Date) April 15, 2021		IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it to the address in Block 5A. This request does not commit the Government to pay any costs incurred in the preparation of the submission of this quotation or to contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter. Any representations and/or certifications attached to this Request for Quotations must be completed by the quoter					
11. SCHEDULE (Include applicable Federal, State and local taxes)							
ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)		
1	Generators and Electrical Work at Monopoly Residence	1	Service				
12 DISCOUNT FOR PROMPT PAYMENT		a. 10 CALENDAR DAYS %	b. 20 CALENDAR DAYS %	c. 30 CALENDAR DAYS %		d. CALENDAR DAYS	
						NUMB ER	%
NOTE: Additional provisions and representations <input checked="" type="checkbox"/> [X] are <input type="checkbox"/> [] are not attached.							
13 NAME AND ADDRESS OF QUOTER			14 SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION		15 DATE OF QUOTATION		
a. NAME OF QUOTER							
b. STREET ADDRESS			16. SIGNER				
c. COUNTY			a. NAME (Type or print			b. TELEPHONE	
d. CITY	e. STATE	f. ZIP CODE	c. TITLE (Type or print)			AREA CODE	
						NUMBER	

**U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS
AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE**

Enclosure:
As Stated,

STATEMENT OF WORK (SOW)

**US Embassy
Freetown, Sierra Leone**

**INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT
MONOPOLY RESIDENCE**

March 2021

A site visit is schedule at 10:00am on April 7, 2021 at the U.S Embassy Freetown. Should you want to attend, please contact FreetownGSOProcurement@state.gov on or before April 6, 2021 for access into the building.

U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE

The United States Embassy is requesting bids for the following installations of Generators at the following locations in Lots.

Installations:

- Monopoly Residence —300 & 330 KVA at 400/230 volts, 3-phase, with a 600A, 4-pole transfer switch.

INTRODUCTION

a) The US Embassy in Freetown, Sierra Leone has a requirement to obtain services of a qualified electrical contractor to remove existing Emergency Generator and replace the existing Emergency Generator with a new generator at Monopoly Residence. The contractor will be required to map out and correctly identify all electrical circuits, electrical panels, and equipment.

This is a firm fixed price contract for replacement of a residential generator. As listed in this work statement the US Embassy will supply two new CAT Generator for the contractor installation. Additionally, the Embassy will provide the associated Automatic Transfer Switch, for the same lots for contractor installation.

SPECIFICATIONS & SCOPE OF WORK

The intent of this work scope is to install two (2) US Embassy supplied residential generator by licensed electrical technicians. The contractor will disconnect and remove the old generator set and set-in place the new generator and ATS for installation and start-up.

- a) The Contractor shall install Automatic Transfer Switch in designated location at the site.
- b) The Contractor shall install ATS supplied by the Embassy, mounting to be determined on site.
- c) The contractor shall provide a suitable cable according to American or British standard acceptable by the Facilities Engineer and earth cables for connection between generator and Automatic Transfer Switch.
- d) The contractor will be responsible for removing existing generator cables and replacing it with the one accepted by the Facilities Engineer.
- e) The Contractor shall wire and install generator and associated Automatic Transfer Switch strictly in accordance with the manufacturer's instructions and recommendations.
- f) The contractor is responsible for removing all trash and debris associated with the installation of the new generator and ATS.
- g) The contractor shall verify or install the generator grounding system ensuring that it is less than 5 ohms as per NEC wiring rules and NETA standard.

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- h) The contractor shall install and connect supply and return lines for the new generator from the fuel tanks o the generators.
- i) The Contractor shall install cables lined in a duct bank system from the existing generator house LV Panel to the new ATS I the new generator house and from the two new generators to the new ATS.
- j) The Contractor shall install earthing system that will measure below 5 Ohms. Generator sets, panels, and fuel lines must be earth.
- k) The contractor shall load, handle and transport existing generators from the old generator house at monopoly to the embassy and also load, handle and transport new generators from the embassy to the new generator at Monopoly.

DETAILS OF WORK TO BE PERFORMED INCLUDE BUT NOT LIMITED TO THE FOLLOWING:

➤ Existing Emergency Generator Removal:

- a. Disconnection of all Electrical power and control circuits of the generator
- b. Using an approved method to dismantle and remove the generator, and any ancillary items being abandoned through this project.
- c. Dismantling, removing and properly/legally disposing of the existing emergency generator and all associated discarded piping, wiring/conduit, panels, etc. to the embassy
- d. The generator removed shall be handled and transported to the embassy location as advised by the Facilities Engineer.

➤ Electrical Circuits

- a. The Contractor shall map out, correctly identify, and catalog all existing electrical circuits. This is to include all electrical panels, circuits, and equipment in the connected to the generator.

ELECTRICAL INSTALLATION

Technical Specifications - Electrical

- a. The contractor shall be required to coordinate all power shutdowns with the Facilities Engineer in consultation with the occupants of the Residence. In no instance is the contractor authorized to work on energized circuits or otherwise change circuit status without prior approval from the Facilities Engineer.

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b. The applicable electrical single line diagram of the installed associated wiring will be affixed in all panels. The contractor shall use approved normal panel schedule according to the specifications referenced within this SOW to reflect the current wiring schedule. Corrections or additional information are the responsibility of the contractor to use provided drawing and reline additions or deletions. The electrical system shall be tested in its entirety in accordance with NEC 2017 and OBO Electrical Code 2016. Electrician will be qualified to 17th Edition or NEC 2017.

- b. All electrical materials, unless otherwise approved by the Facilities Engineer, shall be UL or CE listed, and where applicable shall also bear a UL or CE factory mark.

SWITCHBOARDS/PANELS

- a. Any switchboard/ panel installed should be properly identified and labelled
- b. A warning label shall be attached to each panel with the inscription “danger live terminals” Inside the Switchboard a Schematic diagram is to be installed detailing the switchboard, its inputs and outputs.
- c. The final format of the schematic drawing shall be agreed with the Facilities Engineer and his Engineering Team.
- d. Care should be taken to select suitable colored inks for schematics and labels for panels that will resist fading.
- e. The schematic drawing shall be mounted in a secure frame, which is complete with a non-reflective protective plastic sheet covering.
- f. Aluminum wire armored cables are not acceptable
- g. All Panels must be lockable with removable key. Distribution Trucking must be: accessible (for circuit wiring and ancillary services).
- h. Generally, all circuits shall be wired using PVC insulated cable to NEC 2017, OBO Electrical Code 2016 or BS6231.
- i. All switchgear, distribution boards, etc. are to be labelled in compliance with NSPA labelling guidelines.

CABLING

- a. All cablings shall be in accordance with relevant NEC 2017, OBO Electrical Code 2016 or BS6231 standards.
- b. All terminations and glands shall be sized and suited to the individual cabling. Cable Lugs and Glands shall conform to OBO Electrical Code 2016 Standard
- c. All protective conductors shall be tie wrapped to the corresponding supply cable throughout its length.
- d. The steel sheath protection of the armored cable shall be bonded at both ends using a proprietary clamping device.
- e. The Contractor shall ensure that no undue stresses are put on the cabling during pulling and

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that the cables are installed using the manufacturer's recommended instructions.

f. The Contractor shall ensure that the recommended bending radius of each cable is not exceeded.

g. All cabling shall be tested to NEC as a minimum but preferably NETA standard or IEEE regulations and the results recorded on a recognized standard of test sheet as exemplified in Annex 5.

h. All cabling shall be sized to ensure $\geq 5\%$ overall volt drop.

i. All cabling shall be sized to ensure that the breaking capacity of the upstream, ACB/MCCB is not exceeded during fault conditions.

j. All cabling shall be suitably sized to ensure that the upstream, ACB/MCCB shall trip under fault conditions in a time that shall not cause damage or undue stress on cabling or equipment.

5. Cable Management System:

a. All cabling shall be supported and mechanically protected by a suitably sized galvanized tray. The tray will be fixed to suspended brackets at distances no greater than 1200mm along its length. Each bracket shall be capable of sustaining 100kg continuous load.

b. Grounding protection system:

The system earthing shall conform to the OBO Electrical Code standard as shown in **Appendix 3** and compatible with the main incoming electrical supply. All extraneous metal work including generator roof shall be grounded to earth.

The generator shall be properly grounded. Grounding method shall be copper clad steel rod, 19x3050mm minimum with a resistance to ground not greater than 5ohms as measured with an approved Ground Resistance Meter. Supplemental rods shall be used to achieve minimum 5 ohms resistance if required. All connection hardware/clamps shall be approved for the use intended. Contractor shall also provide pictures of tests identifying parameter readings conducted and shall be submitted to the Facilities Engineer and Engineering Team to verify readings are within the specified range.

PLUMBING WORKS

The contractor shall install all the supply and return lines from the fuel tank and both generators complete with all pipe fittings. Pipes and fittings shall be galvanized steel.

PROPOSAL REQUIREMENTS

The package evaluation will be based on lowest price and technically acceptable. The proposal package must include all the following to be considered for this service:

- a) Company Name
- b) Company Director or Project Foremen for this work statement, include email and telephone number.
- c) Recognized Electrical Contracting License.
- d) Recognized Electrical Technicians License

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- e) Bill of Quantities (exclusive line items) that clearly shows understanding of the scope of requirements.

GENERAL REQUIREMENTS

- a) The Contractor shall provide material, labor and tools equipment needed to complete the work described in this statement of work.
- b) The Contractor activities shall be sequenced in coordination with the Contracting Officer's Representative (COR), The Facilities Engineer.
- c) The Contractor shall normally perform work during the period of 8:30 AM to 5:00 PM Monday through Friday.
- d) The Contractor shall survey site during solicitation phase and submit proposal with method statement covering equipment, materials, quality control, safety management and past performance. The past performance shall include list of similar work done.
- e) The Contractor shall perform work in diligent manner and achieve completion within the specified performance period.
- f) All necessary safety procedure will be directed by the embassy Safety Officer (APSHO) who approves and has oversight of any confined space entry
- g) After all the cleaning, the electrical team will inspect interior surface of manholes for any structural problems or damage to cables and repair as necessary.
- h) There will be a power outage, and lockout and tagout procedure must be observed, especially, before entering any electrical manhole

ADDITIONAL REQUIREMENTS AND INFORMATION:

- a. Generator installations must comply with applicable standards of the National Fire Protection
- b. Generators must be installed at least 5 feet away from any building openings (windows, doors etc.) and at least 5 feet away from any walls made of combustible materials [NFPA 37]
- c. Minimum access clearances from buildings and property lines must be provided on all sides of generators in accordance with the manufacturers' installation instructions. * NOTE: *Most manufacturers require at least 3feet of clearance; this may affect the location of generators on properties with narrow side yards.*
- d. Generators should be placed as close as possible to the building electric breaker box panels. The electric breaker panels must be permanently labeled indicating an alternate power source

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(generator) is connected to the electric system.

e. Generators may not be placed within five feet of any septic system drain field or impede access to septic tank covers or cleanouts.

EMERGENCY GENERATOR EXHAUST:

The Contractor shall investigate the current means and location of exhausting the existing emergency generator and provide a design for the new generator that will satisfy the problem of noise and noxious fumes from entering the facility and surrounding areas.

RESPONSIBILITY OF THE CONTRACTOR

- a) The Contractor shall bear complete responsibility for cleaning of the manholes, providing key-locks to manhole covers and painting them as described in this SOW. The Contractor shall assign a Supervisor to oversee work that will be carried out on site and manage the performance of work during the execution of the contract.
- b) The Contractor shall bear complete responsibility for safe performance of work on site and comply with all local laws pertaining to tools and equipment use, labor, and safety.
- c) The Contractor shall prepare and implement safety practices specific to the SOW based on hazards of the work to be performed. The Contractor shall promptly report all mishaps and/or accidents at site to the COR.
- d) The Contractor shall comply with security requirements and be responsible for conduct of their employees at the work site.
- e) The Contractor shall be liable for the damages caused by the Contractor's negligent performance of any of the services furnished under this contract.
- f) The Contractor shall provide a schedule and duration of how much time they will require for this work, and the dates when they plan to perform the work.

EXECUTION OF WORK AT SITE

- a) The COR, Facilities Engineer and the Contractor shall review the method statement submitted with the technical proposal, before the contract award, and agree to a sequencing and phasing plan. The Contractor shall commence work after ensuring availability of material and tools, and notice to proceed given by the COR.

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b) The Contractor shall neatly stage materials and tools in a designated location.

No tools and materials shall be left in work area at the end of workday. Keep

the work areas clear of hindrances, trip hazards, and unused materials always. The Contractor shall be responsible for safe keeping of materials and tools equipment at site.

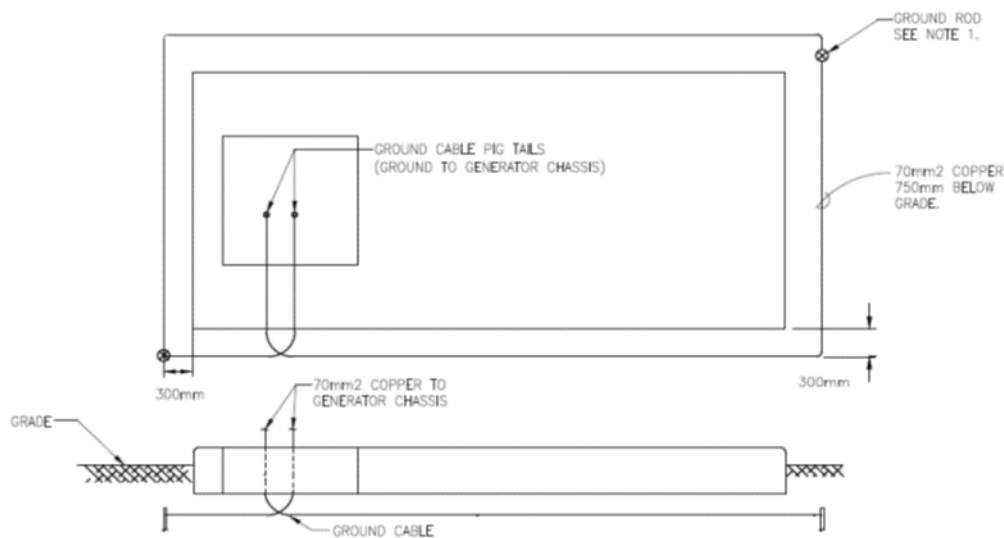
DELIVERABLE SCHEDULE

a) The Contractor shall commence work under this contract promptly, execute the work diligently, and achieve final completion and acceptance including final cleanup of the premises within the contract period specified.

Contractor Provided Material

- a) Suitable and Acceptable Power and control cables by the Facilities Engineer
- b) All wiring accessories including conduits and fasteners

US EMBASSY PROVIDED MATERIAL/LABOR



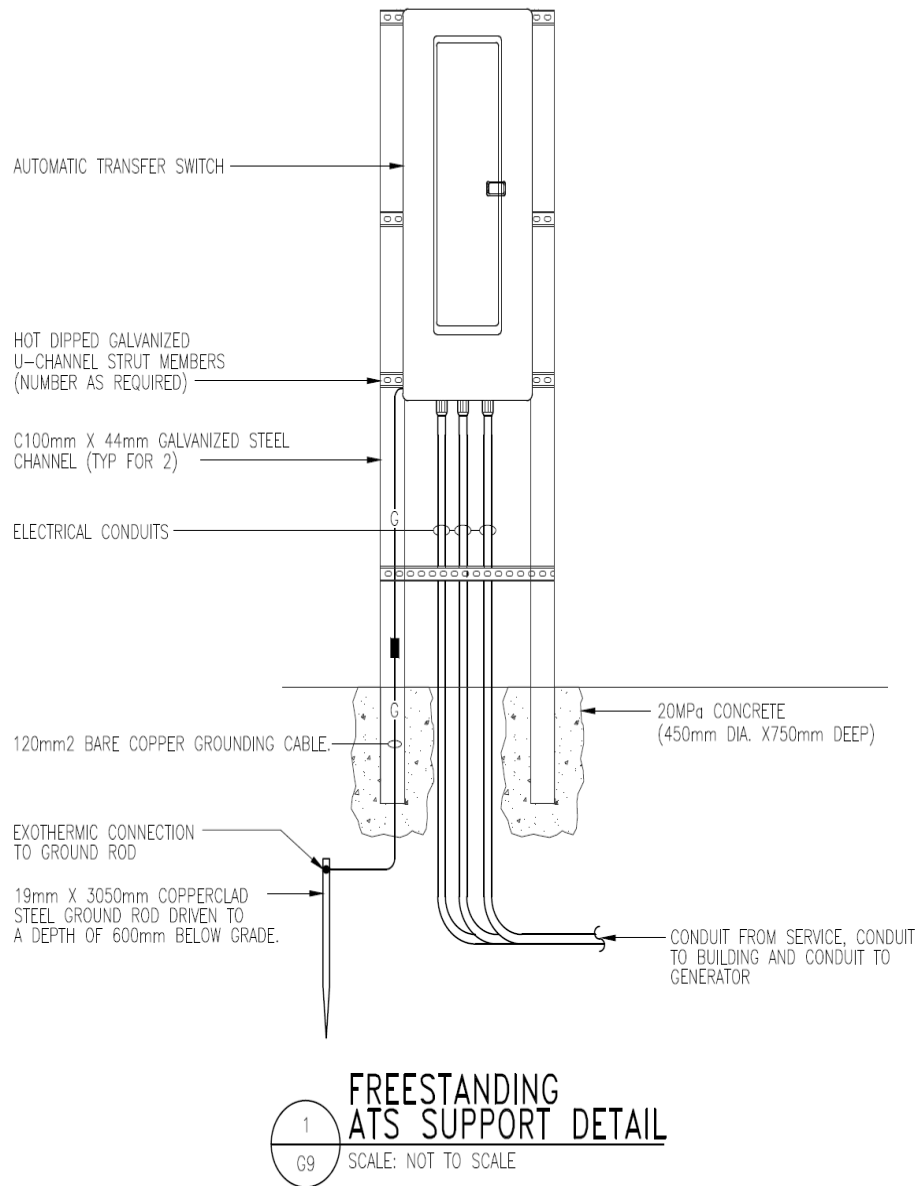
NOTES

1. GROUND ROD - 19mm X 3050mm COPPER CLAD STEEL GROUND ROD.

1
G8
LARGE MULTI-RESIDENCE
GENERATOR GROUNDING DETAIL
SCALE: NTS

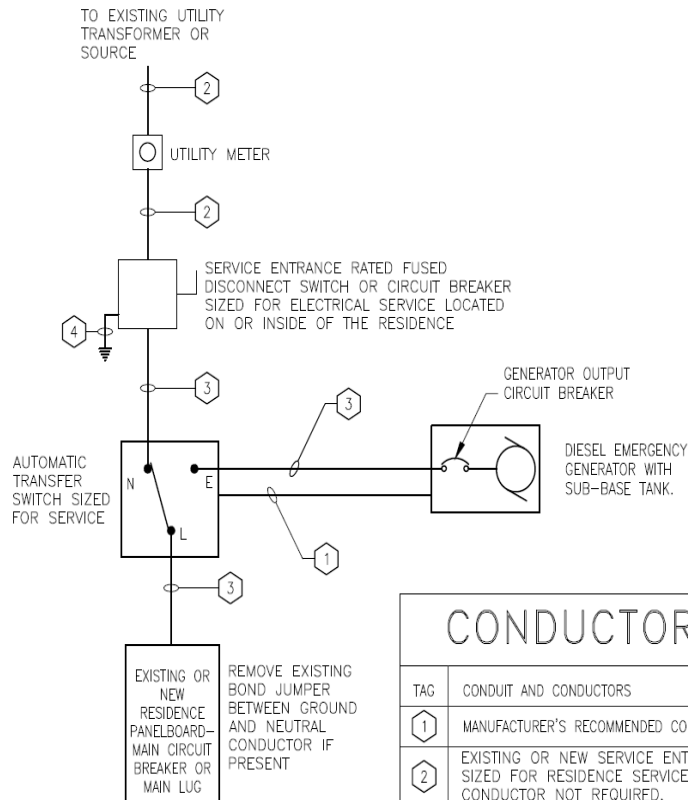
U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE

Appendix 2



U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS AND ELECTRICAL INSTALLATION WORK AT MONOPOLY RESIDENCE

Appendix 3



CONDUCTOR SCHEDULE	
TAG	CONDUIT AND CONDUCTORS
1	MANUFACTURER'S RECOMMENDED CONDUIT AND CONTROL CONDUCTORS
2	EXISTING OR NEW SERVICE ENTRANCE CONDUIT AND CONDUCTORS SIZED FOR RESIDENCE SERVICE DISCONNECT AMPS. GROUND CONDUCTOR NOT REQUIRED.
3	CONDUIT AND CONDUCTORS SIZED FOR RESIDENCE SERVICE DISCONNECT AMPS. PROVIDE WITH GROUND CONDUCTOR.
4	PROVIDE GROUND CONDUCTOR AND GROUNDING ELECTRODES PER NOTES ON SHEET G12.

1 ELECTRICAL ONE-LINE DIAGRAM
G10 SCALE: NO SCALE

END OF STATEMENT OF WORK

**U.S EMBASSY FREETOWN REQUEST FOR INSTALLATION OF GENERATORS
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COVERED TELECOMMUNICATIONS	
EQUIPMENT OR SERVICES	
REPRESENTATION	
CONTRACTOR NAME:	
CONTRACTOR'S AUTHORIZED REPRESENTATIVE:	
SIGNATURE:	
DATE:	

**52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS
AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2020)**

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of the provision at 52.212-3, Offeror Representations and Certifications-Commercial Items.

(a) Definitions. As used in this provision—

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition.

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

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(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(d) *Representation.* The Offeror represents that—

(1) **It will ☐, will not ☐** provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It does ☐, does not ☐ use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

(e) *Disclosures.*

(1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded “will” in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

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(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded “does” in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(End of provision)

**52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN
TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
(AUG 2020)**

(a) *Definitions.* As used in this clause—

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (*e.g.*, connecting cell phones/towers to the core telephone network). Backhaul can be wireless (*e.g.*, microwave) or wired (*e.g.*, fiber optic, coaxial cable, Ethernet).

Covered foreign country means The People's Republic of China.

Covered telecommunications equipment or services means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Critical technology means—

(1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations.

(2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

(i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

(ii) For reasons relating to regional stability or surreptitious listening;

(3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);

(4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);

(5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or

(6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

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Interconnection arrangements means arrangements governing the physical connection of two or more networks to allow the use of another's network to hand off traffic where it is ultimately delivered (e.g., connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

Reasonable inquiry means an inquiry designed to uncover any information in the entity's possession about the identity of the producer or provider of covered telecommunications equipment or services used by the entity that excludes the need to include an internal or third-party audit.

Roaming means cellular communications services (e.g., voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

Substantial or essential component means any component necessary for the proper function or performance of a piece of equipment, system, or service.

(b) *Prohibition.*

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in FAR 4.2104.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract, or extending or renewing a contract, with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in FAR 4.2104. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract.

(c) *Exceptions.* This clause does not prohibit contractors from providing—

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(d) *Reporting requirement.*

(1) In the event the Contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Contractor is notified of such by a subcontractor at any tier or by any other source, the Contractor shall report the information in paragraph (d)(2) of this clause to the Contracting Officer, unless elsewhere in this contract

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are established procedures for reporting the information; in the case of the Department of Defense, the Contractor shall report to the website at <https://dibnet.dod.mil>. For indefinite delivery contracts, the Contractor shall report to the Contracting Officer for the indefinite delivery contract and the Contracting Officer(s) for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause

(i) Within one business day from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: any further available information about mitigation actions undertaken or recommended. In addition, the Contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (e) and excluding paragraph (b)(2), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items.

(End of clause)

52.204-26 COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES- REPRESENTATION (DEC 2019)

(a) *Definitions.* As used in this provision, “covered telecommunications equipment or services” has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c) *Representation.* The Offeror represents that it does, does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.
(End of provision)